

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

IDA D., et al.,
Plaintiffs,

v.

PEDRO RIVERA, et al.,
Defendants.

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CIVIL ACTION
NO. 17-5272

ORDER

AND NOW, this _19th ___ day of November, 2018, it is **ORDERED** that:

- Plaintiffs' Motion for Summary Judgment Against Defendant Khepera Charter

School (ECF No. 52) is **GRANTED in part and DENIED in part** as follows:

- The motion is granted and Khepera is **ORDERED** to do each of the following for J.D. and J.R.:

- pay all tuition and transportation costs at OLC for the 2018-19 school year;
- fund a comprehensive educational evaluation; and
- deposit a total of \$26,450 into a special needs trust administered by The Advocacy Alliance.

- The motion is denied as to Plaintiffs' request for a declaration that Khepera will prospectively be responsible for the payment of tuition and transportation costs for private school and ESY programming for J.D. and J.R. beyond the 2018-19 school year.

- Plaintiffs' Motion for Summary Judgment Against Defendant Pennsylvania

Department of Education (ECF No. 53) is **GRANTED in part and DENIED in part** as follows:

- The motion is granted and PDE is **ORDERED** to do each of the following for J.D. and J.R.:
 - pay all tuition and transportation costs at OLC for the 2018-19 school year;
 - fund a comprehensive educational evaluation; and
 - deposit a total of \$26,450 into a special needs trust in a manner consistent with its prior offer to provide compensatory education funds through PaTTAN.¹
- The motion is denied as to Plaintiffs' request for a declaration that PDE will prospectively be responsible for the payment of tuition and transportation costs for private school and ESY programming for J.D. and J.R. beyond the 2018-19 school year.
- Defendant Commonwealth of Pennsylvania, Department of Education's Motion for Summary Judgment (ECF No. 51) is **GRANTED in part and DENIED in part** as follows:
 - The motion is granted only as to PDE's request for a declaration that it is not prospectively responsible for the payment of tuition and transportation costs for private school and ESY programming for J.D. and J.R. beyond the 2018-19 school year.
 - The motion is otherwise denied in its entirety.

s/Anita B. Brody

ANITA B. BRODY, J.

¹ Although it appears to be a near impossibility, if Khepera were to satisfy its obligations, then PDE would be absolved from stepping in and satisfying these obligations for Khepera.

Copies **VIA ECF** on 11/19/2018